

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Danville Division

In re:

Nathaniel Richardson, Jr.,
Karen Richardson,
Debtors

Chapter 13
Case No. 12-60254-PBD

TRUSTEE'S MOTION TO MODIFY PLAN

COMES NOW, Christopher Micale, Standing Chapter 13 Trustee, (hereinafter, the "Trustee") and pursuant to 11 U.S.C. § 1329(a)(2) seeks to modify the confirmed Chapter 13 Plan to provide for payment made other than those anticipated by the confirmed Plan.

1. The Debtors filed Chapter 13 on February 3, 2012, and currently have a Chapter 13 case pending.
2. The Debtors filed a Chapter 13 plan on March 27, 2012 providing to pay Credit Acceptance Corporation's (hereinafter, the "Creditor") secured claim in the amount of \$8,931 and together with 5% interest. The Creditor's claim was secured by a 2003 Mazda MPV (VIN JM3LW28AX30378262) (hereinafter, the "Vehicle").
3. The Debtors' schedule of exemptions exempts only \$2 of the Vehicle's value.
4. This Court entered an Order Confirming the Plan on April 11, 2012.
5. As of the date of this motion, the Creditor's claim has a principal balance due of \$3,532.94 not including accrued interest.
6. The Trustee's office has been notified by Allstate Insurance that the Vehicle has been deemed a total loss and settlement proceeds in the amount of \$1,946.10 are pending distribution by the insurance company.
7. The insurance proceeds should be surrendered and forwarded to Credit Acceptance Corporation. Should Allstate request, title to the 2003 Mazda MPV (VIN JM3LW28AX30378262) should be signed over to Allstate Insurance otherwise the Vehicle should be surrendered to Credit Acceptance Corporation along with the insurance proceeds.
8. Further distribution under the Plan by the Trustee to Credit Acceptance Corporation should cease until it files an amended claim for any deficiency.

9. No terms of this motion negatively impact any creditor other than Credit Acceptance Corporation.

WHEREFORE, the Trustee requests the entry of an Order Modifying the Debtor's Chapter 13 Plan to provide:

1. Allstate Insurance shall surrender the insurance proceeds in the amount of \$1,946.10 to Credit Acceptance Corporation.
2. Should Allstate Insurance request, Credit Acceptance Corporation should forward the title to Allstate Insurance, otherwise the Vehicle should be surrendered along with the insurance proceeds.
3. Further distribution under the Plan by the Trustee to Credit Acceptance Corporation should cease until said Creditor files an amended claim for any deficiency; and,
4. For such other relief as this Court deems just and equitable.

Respectfully submitted,
Christopher T. Micale

/s/ Christopher T. Micale
Christopher T. Micale
Chapter 13 Trustee
P.O. Box 1001
Roanoke, VA 24005

CERTIFICATE OF SERVICE

I certify that on the 10th day of January, 2014, I served a copy of the foregoing upon Counsel for Debtor via electronic mail and upon the following via United States first-class mail, postage prepaid:

Nathaniel Richardson, Jr. and Karen C. Richardson 317 Wrenn Drive Danville, VA 24540	Credit Acceptance Corp 25505 W. 12 Mile Road Suite 3000 Southfield, MI 48034	Roanoke Market Claims Office for Allstate Insurance Company 1819 Electric Road Roanoke, VA 24018
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Roanoke Market Claims Office for
Allstate Insurance Company
5305 Valley Park Drive, Suite 1
Roanoke, VA 24019

Cox Law Group, PLLC
900 Lakeside Drive
Lynchburg, VA 24501

Sara A. John
M. Richard Epps, PC
605 Lynnhaven Parkway
Virginia Beach, VA 23452

/s/ Melissa R. Ivey
Melissa R. Ivey

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NOTICE OF HEARING

PLEASE TAKE NOTICE that the Trustee has filed a Motion to Modify Plan. The Motion will be heard before the Honorable Paul M. Black, United States Bankruptcy Judge on the 12th day of February, 2014, at 10:00 a.m., at the United States Bankruptcy Court, 3rd Floor Courtroom, US Courthouse, 700 Main Street, Danville, VA 24541. Parties opposing the requested relief should file a written objection with the Bankruptcy Court and appear on the said date and time to be heard.

Dated: 1/10/2014

/s/ Christopher T. Micale
Christopher T. Micale, Trustee

CERTIFICATE OF SERVICE

I certify that on the 10th day of January, 2014, I served a copy of the foregoing Notice of Hearing and Motion to Modify Plan upon Counsel for Debtor via electronic mail and upon the following via United States first-class mail, postage prepaid:

Nathaniel Richardson, Jr.
and Karen C. Richardson
317 Wrenn Drive
Danville, VA 24540

Credit Acceptance Corp
25505 W. 12 Mile Road
Suite 3000
Southfield, MI 48034

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Allstate Insurance Company
1819 Electric Road
Roanoke, VA 24018

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5305 Valley Park Drive, Suite 1
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/s/ Melissa R. Ivey
Melissa R. Ivey